O. War Risks (Factories) /43

1943 **File No.**

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Subject:—

Opinions Under the War Risks (Factories) Insurance Ordinance 1942

P 2 / C

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C O N T E N T S

Legal Department File No. O. War Risks(Factories)/43

Sr.No.	R.I./O.No.	Subject.	Pages.
		Opinions under War Risks(Factories) Insurance Ordinance, 1942.	
1.	O.N-5540 16-8-43.	Although the property of the superseded Muncipality vests in Government it does not belong to Government whether the ~~xxxx~~ meaning of----	1-2.

JPE.10/7/56.4c.

RHR 24/7/56

NKB 24/7

Office of the R.L.A.

Under sub-section (1) of section 5 of the War Risks (Factories) Insurance Ordinance a factory belonging to the Crown is exempt from insurance. It is true that the works and plants of the Ahmedabad Superseded Municipality now vest in Government by virtue of clause (c) of rule 38B(2) of the Defence of India Rules; but 'this vesting is only for the purposes of the Municipality and the right title and interest of the Municipality in the properties belonging to the Municipality can always be proceeded against in execution of a decree' (See Advocate General's opinion dated 12-4-43). The vesting is moreover of a temporary chracter. Apparently the position of Government would be that of a trustee, in which case it can be said that althpugh the property of superseded Municipality vests in Government it does not belong to Government within the meaning of section 5(1) of the War Risks (Factories) Ordinance, 1942. Since the point is not free from dbubt, it is safer to request the Government of India to exempt the works and plants of the Ahmedabad Municipality under section 14 of the Ordinance as desired by the Administrator of the Ahmedabad Municipality.

Id/- P.N.M.
13/8

Remembrancerof Legal Affairs.

U.R. to F.D. No. 5540,

dated the 16th August 1943.

JPE.10/7/56
4 copies.